

ARMSTRONG SHERIFF  
PAGE 03/22

UNITED STATES DEPARTMENT OF TRANSPORTATION  
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

**AUTOBUSES RAYON, INC.**

USDOT 2011920  
MC 709048

**Order No.: AZ-2014-5000-IMH**

## Service

**Date:**

**Time:**

**IMMINENT HAZARD**  
**OPERATIONS OUT-OF-SERVICE ORDER**

This is an Imminent Hazard Operations Out-of-Service Order ("ORDER") issued by the Secretary of the United States Department of Transportation (the "Secretary") pursuant to 49 U.S.C. § 521(b)(5)(A), 49 U.S.C. § 13905(f), 49 U.S.C. § 31144(c)(1), (2), and (5), and 49 C.F.R. § 386.72(b)(1), and pursuant to a delegation of authority to the Field Administrator, Western Service Center, Federal Motor Carrier Safety Administration (FMCSA), United States Department of Transportation (USDOT), Lakewood, Colorado. This ORDER applies to AUTOBUSES RAYON, INC. (USDOT No. 2011920) (referred to herein as "you," "your", and/or "AUTOBUSES RAYON").

The Secretary and the FMCSA find your operations and your continued operation of commercial motor vehicles (herein "commercial motor vehicles," "vehicles," and/or "motor vehicles") in the United States constitute an imminent hazard. This finding means that based upon your present state of unacceptable safety compliance, your operation of the commercial motor vehicle(s) poses an imminent hazard to public safety.

AZ-2014-5000-IMH – Imminent Hazard Operations Out-of-Service Order



11/16/2013 12:20 RECEIVED 11/16/2013 12:09 3034872344

8062263711  
FMCSAARMSTRONG SHERIFF  
PAGE 04/22

**EFFECTIVE IMMEDIATELY**  
**YOU MUST CEASE ALL COMMERCIAL MOTOR VEHICLE OPERATIONS**  
**IN THE UNITED STATES INCLUDING ALL FOREIGN, INTERSTATE AND**  
**INTRASTATE TRANSPORTATION OF PASSENGERS FROM ALL DISPATCHING**  
**LOCATIONS OR TERMINALS.**

Effective immediately, you must cease operating any commercial motor vehicles, specifically including the commercial motor vehicles listed in Appendix A to this ORDER, in the United States. "Operate" or "Operating" includes without limitation all foreign, interstate and intrastate transportation by drivers from all dispatching locations or terminals. Commercial motor vehicles and their drivers now in the United States in foreign, interstate or intrastate commerce may proceed to their next immediate destination, which is defined as the next scheduled stop for vehicles already in motion where the passengers can be safely accommodated. (See 49 C.F.R. § 386.72(b)(4) and (5)).

**NO ADDITIONAL PASSENGERS MAY BE LOADED OR TRANSPORTED.**  
**NOR MAY ANY COMMERCIAL MOTOR VEHICLE(S) BE OPERATED IN**  
**FOREIGN, INTERSTATE OR INTRASTATE COMMERCE WHILE THIS ORDER IS**  
**IN EFFECT.**

AUTOBUSES RAYON's commercial motor vehicles, specifically including the commercial motor vehicles listed in Appendix A to this ORDER, may not be operated in the United States in foreign, interstate or intrastate commerce by any other motor carrier or any driver; such commercial motor vehicles may not be operated even without passengers. Unless otherwise approved in writing by the Field Administrator, any movement of AUTOBUSES RAYON's commercial motor vehicles in the United States to any storage or repair or other

11/16/2013 12:20 3034072344 RECEIVED 11/16/2013 12:09 8062263711 FMCSA

ARMSTRONG SHERIFF  
PAGE 05/22

location for the purposes of repair, sale, or final destination must be accomplished only by towing, such that the commercial motor vehicle itself is *not* driven or operated; AUTOBUSES RAYON's commercial motor vehicles may be moved only upon the written approval of the Field Administrator for FMCSA's Western Service Center.

**Within eight (8) hours of your receipt of this ORDER, you must submit to the Field Administrator in writing by fax and/or electronic mail (email) the location of each commercial motor vehicle under your control including the commercial motor vehicles identified in Appendix A of this ORDER. Your submission must be sent to:**

Field Administrator  
(303) 407-2339 (fax)  
[WSCENF@dot.gov](mailto:WSCENF@dot.gov) (electronic mail)

#### **I. JURISDICTION**

AUTOBUSES RAYON is a passenger motor carrier engaged in foreign and interstate commerce in the United States using commercial motor vehicles and employing drivers and is therefore subject to the Federal Motor Carrier Safety Regulations ("FMCSRs"), 49 C.F.R. Parts 350-399, and the alcohol and controlled substances regulations at 49 C.F.R. Part 40, as well as the Orders of the USDOT and FMCSA. (See 49 U.S.C. §§ 506, 507, 13501, 31133, 31136, and 31144.)

AUTOBUSES RAYON is required to comply, and to ensure its drivers comply, with the FMCSRs and Orders of the USDOT and FMCSA. (49 C.F.R. § 390.11). This ORDER shall have the force and effect of any other Order issued by the FMCSA and is binding upon AUTOBUSES RAYON, as well as any and all of its officers, members, directors, successors, assigns and closely affiliated companies, and may attach and apply to any entity established and/or used to evade or avoid the consequences of this ORDER. This ORDER applies to all motor carrier operations and all vehicles owned, leased, rented, or otherwise operated by or

RECEIVED 11/16/2013 12:09

8062263711

ARMSTRONG SHERIFF

11/16/2013 12:20

3034072344

FMCSA

PAGE 06/22

under the USDOT number of AUTOBUSES RAYON including, but not limited to, the commercial motor vehicles identified in Appendix A of this ORDER.

## II. BASIS FOR ORDER

The basis for determining that AUTOBUSES RAYON's motor carrier operations and the continued operation of commercial motor vehicles pose an imminent hazard to the public is that AUTOBUSES RAYON fails to have basic safety management controls for minimally safe operations. AUTOBUSES RAYON fails to ensure that commercial motor vehicles operated under its name and USDOT number are systematically and properly inspected, repaired and maintained. Further, AUTOBUSES RAYON fails to repair or cause to be repaired in a competent manner commercial motor vehicles under its control. AUTOBUSES RAYON fails to ensure that the commercial motor vehicles it operates meet minimum safety standards, and AUTOBUSES RAYON operates commercial motor vehicles with significant safety defects resulting in failed safety inspections. Additionally, AUTOBUSES RAYON fails to ensure that drivers comply with alcohol and controlled substances prohibitions, uses drivers that have tested positive for controlled substances, and fails to comply with controlled substances testing requirements. Further, AUTOBUSES RAYON fails to ensure drivers have valid commercial driver's licenses and are properly qualified to operate commercial motor vehicles in the United States. AUTOBUSES RAYON also fails to monitor and ensure drivers comply with hours of service requirements, including failing to require drivers to complete and/or turn-in records of duty status.

Individually and cumulatively, these violations and conditions of operation substantially increase the likelihood of serious injury or death to AUTOBUSES RAYON's drivers, passengers and the motoring public.

11/16/2013 12:28 RECEIVED 11/16/2013 12:09  
30340723448062263711  
FMCSAARMSTRONG SHERIFF  
PAGE 07/22

### III. BACKGROUND

On or about October 29, 2013 FMCSA initiated an in-depth compliance investigation of the motor carrier operations of AUTOBUSES RAYON. FMCSA's Safety Measurement System (SMS) which measures a motor carrier's relative safety performance showed AUTOBUSES RAYON's Behavioral Analysis and Safety Improvement Categories ("BASICS") at elevated levels, including four BASIC categories at "alert" status above FMCSA's intervention thresholds; AUTOBUSES RAYON's Unsafe Driving BASIC is at 95.7%, Hours of Service Compliance BASIC at 71.1%, Driver Fitness Basic at 99.4%, and Vehicle Maintenance BASIC at 91.5%.

During the investigation FMCSA discovered that AUTOBUSES RAYON is a shell cover name and USDOT number used by a variety of motor carriers and commercial motor vehicle owners to operate commercial motor vehicles transporting passengers in the United States. Moreover, at least three of the motor carriers operating under the name and USDOT number of AUTOBUSES RAYON are subject to FMCSA Orders to cease motor carrier operations. Further, AUTOBUSES RAYON fails to exercise safety management controls over the drivers and commercial motor vehicles operating under its name and USDOT number, and fails to ensure that the drivers comply with Federal requirements or that the commercial motor vehicles meet minimum safety standards.

During the compliance investigation FMCSA and its designated inspectors conducted inspections on five commercial motor vehicles under the control of AUTOBUSES RAYON. Serious noncompliance and safety defects were discovered during every vehicle inspection. During the inspections of the five vehicles, FMCSA discovered sixty-eight violations of Federal vehicle safety requirements; thirty-six of the sixty-eight violations were out-of-service



11/16/2013 12:20 RECEIVED 11/16/2013 12:09  
30340723448062263711  
FMCSAARMSTRONG SHERIFF  
PAGE 08/22

violations that individually required the vehicles be placed out of service. Each of the five vehicles inspected was ordered out of service.

Moreover, AUTOBUSES RAYON does not have basic safety management controls to ensure that commercial motor vehicles operated under its USDOT number are systematically inspected, maintained and repaired, and that the commercial motor vehicles it operates meet minimum safety standards. AUTOBUSES RAYON personnel do not perform vehicle inspections, and AUTOBUSES RAYON does not ensure that required inspections, maintenance and repairs are performed. Additionally, AUTOBUSES RAYON dispatches vehicles before defects discovered during prior inspections have been corrected.

AUTOBUSES RAYON also does not have basic safety management controls in place to ensure its drivers comply with safety requirements. AUTOBUSES RAYON fails to ensure its drivers comply with limitations and prohibitions on alcohol and controlled substances use. During a roadside inspection conducted on September 6, 2013, AUTOBUSES RAYON's driver had alcohol in his possession while operating a motorcoach transporting passengers from Durango, Mexico to Denver, Colorado. Further, AUTOBUSES RAYON continued to use two drivers known to have tested positive for a controlled substance. Further, AUTOBUSES RAYON fails to ensure that its drivers are tested for alcohol and controlled substances use as required.

AUTOBUSES RAYON fails to ensure that its drivers have valid commercial driver's licenses, and fails to ensure that the drivers are qualified to operate commercial motor vehicles in the United States. During the compliance investigation AUTOBUSES RAYON could not produce qualification documentation for its drivers. Additionally, at least three of AUTOBUSES RAYON's drivers were found to not have valid commercial driver's licenses.

11/16/2013 12:28 RECEIVED 11/16/2013 12:09  
30340723448062263711  
FMCSAARMSTRONG SHERIFF  
PAGE 09/22

Additionally, AUTOBUSES RAYON fails to control its drivers' compliance with hours of service requirements, and fails to require its drivers to complete and submit records of duty status.

The investigations of AUTOBUSES RAYON's commercial motor vehicles and operation disclose ongoing widespread violations of the FMCSRs demonstrating a continuing general disregard for safety. The unsafe and dangerous condition of AUTOBUSES RAYON's commercial motor vehicles along with its failure to adequately inspect, maintain and repair its commercial motor vehicles, use of drivers known to have tested positive for a controlled substance, failure to ensure drivers are qualified to operate commercial motor vehicles in the United States and have valid commercial driver's licenses, and failure to ensure its drivers comply with hours of service requirements substantially increases the likelihood of serious injury or death. This condition of operations is an imminently hazardous and potentially deadly risk for AUTOBUSES RAYON's drivers and passengers, and for the motoring public.

#### IV. REMEDIAL ACTION

To eliminate this imminent hazard, and before AUTOBUSES RAYON will be permitted to resume operation of commercial motor vehicles, AUTOBUSES RAYON must take specific steps to ensure and demonstrate compliance with the FMCSRs.

A. AUTOBUSES RAYON must ensure and demonstrate that each and every commercial motor vehicle it operates and/or intends to operate in the United States, whether owned or leased, is in a safe operating condition and in full compliance with 49 C.F.R. Part 393 (Parts and Accessories Necessary for Safe Operation) and Part 396 (Inspection, Repair, and Maintenance), and that all defects and deficiencies have been corrected and repaired.

11/16/2013 12:20  
RECEIVED 11/16/2013 12:09  
30340723448062263711  
FMCSAARMSTRONG SHERIFF  
PAGE 10/22

AUTOBUSES RAYON must also specifically ensure and demonstrate that emergency egress equipment and mechanisms are in operating condition and full compliance.

B. AUTOBUSES RAYON must ensure and demonstrate that all parts and accessories of each and every commercial motor vehicle it operates and/or intends to operate in the United States, whether owned or leased, meet and are maintained at the minimum standards set forth in Appendix G of the FMCSRs.

C. AUTOBUSES RAYON must establish safety management controls and procedures that ensure that each and every commercial motor vehicle it operates and/or intends to operate, whether owned or leased, is systematically and properly inspected, maintained and repaired as required by 49 C.F.R. Part 396, and that documentation of inspections, maintenance and repair is obtained and maintained as required.

D. AUTOBUSES RAYON must ensure that its employees, contractors and/or agents used to inspect and maintain each and every commercial motor vehicle it operates and/or intends to operate in the United States are trained and qualified to conduct such inspections, maintenance and repairs, and documentation of training and qualifications is maintained in accordance with 49 C.F.R. Part 396.

E. AUTOBUSES RAYON must require its drivers to conduct pre- and post-trip commercial motor vehicle inspections, and must require its drivers to prepare Driver Vehicle Inspection Reports at the end of each day and establish procedures to ensure that reported safety defects and/or deficiencies are before the vehicle is again operated as required by 49 C.F.R. Part 396. AUTOBUSES RAYON must establish safety management controls and procedures to ensure that it does not operate any commercial motor vehicle in the United States before any defects and/or deficiencies discovered during any inspection have been repaired and corrected.



RECEIVED 11/16/2013 12:09  
11/16/2013 12:20 30340723448062263711  
FMCSAARMSTRONG SHERIFF  
PAGE 11/22

F. AUTOBUSES RAYON must ensure that each and every commercial motor vehicle it operates in the United States is periodically inspected as required and in accordance with 49 C.F.R. Part 396 and Appendix G to Subchapter B of Chapter III, and that such periodic inspections are conducted by qualified inspectors.

G. AUTOBUSES RAYON must establish safety management controls and procedures to ensure that defects and deficiencies discovered during inspections of its commercial motor vehicles are repaired prior to the vehicle being re-dispatched. AUTOBUSES RAYON must ensure that no commercial motor vehicle that fails, or has failed, a safety inspection is used for the transportation of passengers prior to necessary repairs being made.

H. AUTOBUSES RAYON must contact FMCSA's Arizona Division Administrator and arrange for inspection of each of its commercial motor vehicles by an FMCSA inspector or an inspector designated by FMCSA.

I. AUTOBUSES RAYON must establish safety management controls and procedures to ensure that its drivers comply with the prohibitions and limitations on the use of alcohol and controlled substances as set forth in 49 C.F.R. Part 382, and are tested for alcohol and controlled substances use as required by 49 C.F.R. Parts 40 and 382.

J. AUTOBUSES RAYON must ensure that no driver that has violated alcohol and/or controlled substances use limitations and prohibitions performs any safety-sensitive function, including driving a commercial motor vehicle unless and until such driver successfully complies with the return to duty requirements in Subpart O of 49 C.F.R. Part 40, and AUTOBUSES RAYON has obtained written documentation of such compliance. AUTOBUSES RAYON must ensure that no driver that has tested positive for alcohol and/or controlled substances performs any safety-sensitive function, including driving a commercial motor vehicle

11/16/2013 12:28 RECEIVED 11/16/2013 12:09  
30340723448062263711  
FMCSAARMSTRONG SHERIFF  
PAGE 12/22

unless and until such driver successfully complies with the return to duty requirements in Subpart O of 49 C.F.R. Part 40, and AUTOBUSES RAYON has obtained written documentation of such compliance.

K. AUTOBUSES RAYON must establish safety management controls and procedures to ensure that its drivers comply with hours of service requirements as set forth in 49 C.F.R. Part 395.

L. AUTOBUSES RAYON must establish safety management controls and procedures to ensure that each and every driver it uses is qualified to operate a commercial motor vehicle and that it has obtained and maintains all required documentation showing the qualification of each driver as required by 49 C.F.R. Part 391. AUTOBUSES RAYON must check the driving record of each and every driver it uses to operate a commercial motor vehicle in the United States, and obtain copies of the driving records for each driver. AUTOBUSES RAYON must provide copies of driver records for each and every driver to the Field Administrator for FMCSA's Western Service Center.

M. AUTOBUSES RAYON must ensure that each and every driver it uses to operate a commercial motor vehicle in the United States has been medically certified as required by 49 C.F.R. Part 391. AUTOBUSES RAYON must obtain documentation of each driver's medical certification, and submit copies of such documentation to the Field Administrator for FMCSA's Western Service Center.

N. AUTOBUSES RAYON must establish safety management controls and procedures to ensure that each and every driver that operates a commercial motor vehicle in the United States has the necessary drivers' license, including any required endorsements, for the motor vehicle(s) the driver operates, and that the driver's license is current and valid.

11/16/2013 12:20 RECEIVED 11/16/2013 12:09 8062263711  
3034072344 FMCSAARMSTRONG SHERIFF  
PAGE 13/22

O. AUTOBUSES RAYON must ensure that all of its employees, including all drivers, are adequately trained in the requirements of the FMCSRs and that they are able to conduct motor carrier operations in the United States consistent with those regulations.

**V. RESCISSION OF ORDER**

You are subject to this ORDER unless and until the ORDER is rescinded in writing by FMCSA. Unless and until this ORDER is rescinded, AUTOBUSES RAYON is prohibited from operating any commercial motor vehicle in the United States, specifically including the vehicles listed in Appendix A of this ORDER, in foreign, interstate and/or intrastate commerce. This ORDER will not be rescinded until the Field Administrator for FMCSA's Western Service Center has determined that the Remedial Action requirements specified in Paragraph IV of this ORDER have been fully satisfied and acceptable documentation submitted.

Before this ORDER may be rescinded AUTOBUSES RAYON must comply with the provisions of this ORDER, eliminate the deficiencies constituting the imminent hazard that its operations and vehicles pose, and adequately demonstrate to the Field Administrator for FMCSA's Western Service Center the actions taken to eliminate the safety deficiencies. AUTOBUSES RAYON cannot avoid this ORDER by continuing operations under the name of another person or company. Any sale, lease, return of leased/contracted vehicle(s), and/or other transfer of any commercial motor vehicle by AUTOBUSES RAYON requires the written approval of the Western Service Center Field Administrator. Any such action taken in anticipation of this ORDER must cease immediately.

Prior to rescission of this ORDER, AUTOBUSES RAYON will be required to:

11/16/2013 12:20 RECEIVED 11/16/2013 12:09  
30340723448062263711  
FMCSAARMSTRONG SHERIFF  
PAGE 14/22

1. Identify the breakdowns in its safety management controls that resulted in the non-compliance.
2. Develop a detailed Safety Management Plan of action that addresses each area of non-compliance, the steps it intends to take to overcome its non-compliance and a time table for these steps.
- 3.. Execute the Safety Management Plan and provide certification by all owners, and officers.

Any request to rescind this ORDER, and documentation demonstrating satisfaction of the Remedial Action requirements must be directed to the Field Administrator, Western Service Center with a copy of the request and documentation to the Division Administrator, Arizona Division, at the following addresses:

Terry D. Wolf, Field Administrator  
Western Service Center  
Federal Motor Carrier Safety Administration  
12600 West Colfax Avenue, Suite B-300  
Lakewood, Colorado 80215

Matthew Fix, Division Administrator  
Arizona Division  
Federal Motor Carrier Safety Administration  
One Arizona Center  
400 East Van Buren Street  
Suite 401  
Phoenix, AZ 85004

Rescission of this ORDER does not constitute a reinstatement of AUTOBUSES RAYON's USDOT Number or its United States Federal operating authority registration. In order for AUTOBUSES RAYON to resume motor carrier operations transporting passengers in the United States, AUTOBUSES RAYON will be required to apply to reactivate its USDOT number registration, reapply for operating authority registration, and demonstrate that it is fit and willing

11/16/2013 12:20  
RECEIVED 11/16/2013 12:09  
30340723448062263711  
FMCSAARMSTRONG SHERIFF  
PAGE 15/22

and able to comply with: 1) the statutory and regulatory registration requirements; 2) applicable safety regulations including the FMCSRs; 3) the commercial motor vehicle safety requirements of employers and employees set forth in 49 U.S.C. § 31135; 4) the safety fitness requirements set forth in 49 U.S.C. § 31144; and 5) minimum financial responsibility requirements established under 49 U.S.C. §§ 13906 and 31138.

#### **VI. FAILURE TO COMPLY**

Failure to comply with the provisions of this ORDER may subject AUTOBUSES RAYON to an action in the United States District Court for equitable relief and punitive damages. AUTOBUSES RAYON may be assessed civil penalties of up to \$25,000 for a violation of this ORDER. (49 U.S.C. § 521(b)(2)(F) and 49 C.F.R. Part 386 App. A. § IV(g)). If violations are determined to be willful, criminal penalties may be imposed, including a fine of up to \$25,000 and imprisonment for a term not to exceed one year. (49 U.S.C. § 521 (b)(6)(A)).

#### **VII. PENALTIES FOR VIOLATIONS**

Any motor carrier that violates Federal requirements, including the FMCSRs, and/or permits its employee(s) to violate Federal requirements is subject to civil and/or criminal penalty provisions. Penalty provisions for violations of Federal statutes and regulations are separate and distinct from this ORDER. Penalties may be assessed for the violations of Federal requirements, including the FMCSRs and Orders of the FMCSA, previously discovered, discovered after the service of this ORDER, and/or discovered during subsequent investigations.

#### **VIII. RIGHT TO REVIEW**

You have the right to administrative review in accordance with 5 U.S.C. § 554 pursuant to 49 C.F.R. § 386.72(b)(4). If requested, administrative review shall occur within 10 days. (49



11/16/2013 12:20 3034072344  
RECEIVED 11/16/2013 12:09 8062263711  
FMCSA

ARMSTRONG SHERIFF  
PAGE 16/22

U.S.C. § 521(b)(5) and 49 C.F.R. § 386.72(b)(4)). A request for review must be addressed to the Assistant Administrator, United States Department of Transportation, Federal Motor Carrier Safety Administration, with copies sent to both Adjudications Counsel and the Field Administrator, Western Service Center at the following addresses:

Assistant Administrator  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

Adjudications Counsel (MC-CCA)  
Federal Motor Carrier Safety Administration  
Office of Chief Counsel  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

Field Administrator, Western Service Center  
Federal Motor Carrier Safety Administration  
12600 West Colfax Avenue, Suite B-300  
Lakewood, Colorado 80215

The request must state the material facts at issue which you believe dispute or contradict the finding that AUTOBUSES RAYON's operation of commercial motor vehicles in the United States in foreign, interstate or intrastate commerce constitutes an imminent hazard to the public.

**A REQUEST FOR ADMINISTRATIVE REVIEW DOES NOT IN ANY WAY  
SUSPEND OR DELAY YOUR DUTY TO COMPLY WITH THIS ORDER**

**IMMEDIATELY.** This ORDER is separate and independent from all other orders or actions that may be issued by FMCSA, and does not amend or modify any other such orders or actions, and any request for administrative review of this ORDER does not attach to or apply to any other order or action.

RECEIVED 11/16/2013 12:09 8062263711

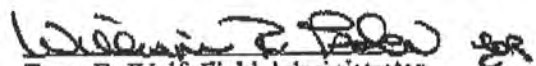
ARMSTRONG SHERIFF

11/16/2013 12:20 3034072344

FMCSA

PAGE 17/22

Date: 11/15/2013

  
Terry D. Wolf, Field Administrator  
United States Department of Transportation  
Federal Motor Carrier Safety Administration

RECEIVED 11/16/2013 12:09 8062263711

ARMSTRONG SHERIFF

11/16/2013 12:20 3834072344

FMCSA

PAGE 18/22

## APPENDIX A

Bus #	Year	Make	VIN#	License Plate
952	2005	SCANIA	3BEK6X2B953556812	MX - 832RK4
35	2009	IRIZ	3MBAA4CS29M032296	MX - 395RP3
102	2001	IRIZ	3ABLJFHA81S030001	MX - 975RK6
209	1992	SCANIA	9BSKT6X2BN3461695	MX - 412RM2
536	2006	SCANIA	3BEK6X2B563582003	MX - 753RN1
201	1993	DINA	3653T8930760	MX - 251RL6
83	1999	MASA	3CETTD5Y7X1019630	MX - 979RK6
62	1999	DINA	3ABBBFHA4X8002178	MX - 613RM5
613	2001	VOLVO	3CER2E81815009707	MX - 358RM9

**UNITED STATES DEPARTMENT OF TRANSPORTATION  
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

<b>AUTOBUSES RAYON, INC.</b>	)	
	)	<b>Order No.: AZ-2014-5000-IMH</b>
	)	
<b>USDOT 2011920</b>	)	
<b>MC 709048</b>	)	<b>Service</b>
	)	<b>Date:</b> ____[11/16/2013]____
	)	
	)	<b>Time:</b> ____[12:30]____
	)	

**IMMINENT HAZARD**  
**OPERATIONS OUT-OF-SERVICE ORDER**

This is an Imminent Hazard Operations Out-of-Service Order (“ORDER”) issued by the Secretary of the United States Department of Transportation (the “Secretary”) pursuant to 49 U.S.C. § 521(b)(5)(A), 49 U.S.C. § 13905(f), 49 U.S.C. § 31144(c)(1), (2), and (5), and 49 C.F.R. § 386.72(b)(1), and pursuant to a delegation of authority to the Field Administrator, Western Service Center, Federal Motor Carrier Safety Administration (FMCSA), United States Department of Transportation (USDOT), Lakewood, Colorado. This ORDER applies to AUTOBUSES RAYON, INC. (USDOT No. 2011920) (referred to herein as “you,” “your”, and/or “AUTOBUSES RAYON”).

The Secretary and the FMCSA find your operations and your continued operation of commercial motor vehicles (herein “commercial motor vehicles,” “vehicles,” and/or “motor vehicles”) in the United States constitute an **imminent hazard**. This finding means that based upon your present state of unacceptable safety compliance, your operation of the commercial motor vehicle(s) poses an **imminent hazard** to public safety.

**EFFECTIVE IMMEDIATELY**  
**YOU MUST CEASE ALL COMMERCIAL MOTOR VEHICLE OPERATIONS**  
**IN THE UNITED STATES INCLUDING ALL FOREIGN, INTERSTATE AND**  
**INTRASTATE TRANSPORTATION OF PASSENGERS FROM ALL DISPATCHING**  
**LOCATIONS OR TERMINALS.**

Effective immediately, you must cease operating any commercial motor vehicles, specifically including the commercial motor vehicles listed in Appendix A to this ORDER, in the United States. “Operate” or “Operating” includes without limitation all foreign, interstate and intrastate transportation by drivers from all dispatching locations or terminals. Commercial motor vehicles and their drivers now in the United States in foreign, interstate or intrastate commerce may proceed to their next immediate destination, which is defined as the next scheduled stop for vehicles already in motion where the passengers can be safely accommodated. (*See* 49 C.F.R. § 386.72(b)(4) and (5)).

**NO ADDITIONAL PASSENGERS MAY BE LOADED OR TRANSPORTED,**  
**NOR MAY ANY COMMERCIAL MOTOR VEHICLE(S) BE OPERATED IN**  
**FOREIGN, INTERSTATE OR INTRASTATE COMMERCE WHILE THIS ORDER IS**  
**IN EFFECT.**

AUTOBUSES RAYON’s commercial motor vehicles, specifically including the commercial motor vehicles listed in Appendix A to this ORDER, may not be operated in the United States in foreign, interstate or intrastate commerce by any other motor carrier or any driver; such commercial motor vehicles may not be operated even without passengers. Unless otherwise approved in writing by the Field Administrator, any movement of AUTOBUSES RAYON’s commercial motor vehicles in the United States to any storage or repair or other



location for the purposes of repair, sale, or final destination must be accomplished only by towing, such that the commercial motor vehicle itself is not driven or operated; AUTOBUSES RAYON's commercial motor vehicles may be moved only upon the written approval of the Field Administrator for FMCSA's Western Service Center.

**Within eight (8) hours of your receipt of this ORDER, you must submit to the Field Administrator in writing by fax and/or electronic mail (email) the location of each commercial motor vehicle under your control including the commercial motor vehicles identified in Appendix A of this ORDER. Your submission must be sent to:**

Field Administrator  
(303) 407-2339 (fax)  
[WSCENF@dot.gov](mailto:WSCENF@dot.gov) (electronic mail)

## **I. JURISDICTION**

AUTOBUSES RAYON is a passenger motor carrier engaged in foreign and interstate commerce in the United States using commercial motor vehicles and employing drivers and is therefore subject to the Federal Motor Carrier Safety Regulations ("FMCSRs"), 49 C.F.R. Parts 350-399, and the alcohol and controlled substances regulations at 49 C.F.R. Part 40, as well as the Orders of the USDOT and FMCSA. (*See* 49 U.S.C. §§ 506, 507, 13501, 31133, 31136, and 31144.)

AUTOBUSES RAYON is required to comply, and to ensure its drivers comply, with the FMCSRs and Orders of the USDOT and FMCSA. (49 C.F.R. § 390.11). This ORDER shall have the force and effect of any other Order issued by the FMCSA and is binding upon AUTOBUSES RAYON, as well as any and all of its officers, members, directors, successors, assigns and closely affiliated companies, and may attach and apply to any entity established and/or used to evade or avoid the consequences of this ORDER. This ORDER applies to all motor carrier operations and all vehicles owned, leased, rented, or otherwise operated by or

under the USDOT number of AUTOBUSES RAYON including, but not limited to, the commercial motor vehicles identified in Appendix A of this ORDER.

## **II. BASIS FOR ORDER**

The basis for determining that AUTOBUSES RAYON's motor carrier operations and the continued operation of commercial motor vehicles pose an imminent hazard to the public is that AUTOBUSES RAYON fails to have basic safety management controls for minimally safe operations. AUTOBUSES RAYON fails to ensure that commercial motor vehicles operated under its name and USDOT number are systematically and properly inspected, repaired and maintained. Further, AUTOBUSES RAYON fails to repair or cause to be repaired in a competent manner commercial motor vehicles under its control. AUTOBUSES RAYON fails to ensure that the commercial motor vehicles it operates meet minimum safety standards, and AUTOBUSES RAYON operates commercial motor vehicles with significant safety defects resulting in failed safety inspections. Additionally, AUTOBUSES RAYON fails to ensure that drivers comply with alcohol and controlled substances prohibitions, uses drivers that have tested positive for controlled substances, and fails to comply with controlled substances testing requirements. Further, AUTOBUSES RAYON fails to ensure drivers have valid commercial driver's licenses and are properly qualified to operate commercial motor vehicles in the United States. AUTOBUSES RAYON also fails to monitor and ensure drivers comply with hours of service requirements, including failing to require drivers to complete and/or turn-in records of duty status.

Individually and cumulatively, these violations and conditions of operation substantially increase the likelihood of serious injury or death to AUTOBUSES RAYON's drivers, passengers and the motoring public.

### **III. BACKGROUND**

On or about October 29, 2013 FMCSA initiated an in-depth compliance investigation of the motor carrier operations of AUTOBUSES RAYON. FMCSA's Safety Measurement System (SMS) which measures a motor carrier's relative safety performance showed AUTOBUSES RAYON's Behavioral Analysis and Safety Improvement Categories ("BASICS") at elevated levels, including four BASIC categories at "alert" status above FMCSA's intervention thresholds; AUTOBUSES RAYON's Unsafe Driving BASIC is at 95.7%, Hours of Service Compliance BASIC at 71.1%, Driver Fitness Basic at 99.4%, and Vehicle Maintenance BASIC at 91.5%.

During the investigation FMCSA discovered that AUTOBUSES RAYON is a shell cover name and USDOT number used by a variety of motor carriers and commercial motor vehicle owners to operate commercial motor vehicles transporting passengers in the United States. Moreover, at least three of the motor carriers operating under the name and USDOT number of AUTOBUSES RAYON are subject to FMCSA Orders to cease motor carrier operations. Further, AUTOBUSES RAYON fails to exercise safety management controls over the drivers and commercial motor vehicles operating under its name and USDOT number, and fails to ensure that the drivers comply with Federal requirements or that the commercial motor vehicles meet minimum safety standards.

During the compliance investigation FMCSA and its designated inspectors conducted inspections on five commercial motor vehicles under the control of AUTOBUSES RAYON. Serious noncompliance and safety defects were discovered during every vehicle inspection. During the inspections of the five vehicles, FMCSA discovered sixty-eight violations of Federal vehicle safety requirements; thirty-six of the sixty-eight violations were out-of-service

violations that individually required the vehicles be placed out of service. Each of the five vehicles inspected was ordered out of service.

Moreover, AUTOBUSES RAYON does not have basic safety management controls to ensure that commercial motor vehicles operated under its USDOT number are systematically inspected, maintained and repaired, and that the commercial motor vehicles it operates meet minimum safety standards. AUTOBUSES RAYON personnel do not perform vehicle inspections, and AUTOBUSES RAYON does not ensure that required inspections, maintenance and repairs are performed. Additionally, AUTOBUSES RAYON dispatches vehicles before defects discovered during prior inspections have been corrected.

AUTOBUSES RAYON also does not have basic safety management controls in place to ensure its drivers comply with safety requirements. AUTOBUSES RAYON fails to ensure its drivers comply with limitations and prohibitions on alcohol and controlled substances use. During a roadside inspection conducted on September 6, 2013, AUTOBUSES RAYON's driver had alcohol in his possession while operating a motorcoach transporting passengers from Durango, Mexico to Denver, Colorado. Further, AUTOBUSES RAYON continued to use two drivers known to have tested positive for a controlled substance. Further, AUTOBUSES RAYON fails to ensure that its drivers are tested for alcohol and controlled substances use as required.

AUTOBUSES RAYON fails to ensure that its drivers have valid commercial driver's licenses, and fails to ensure that the drivers are qualified to operate commercial motor vehicles in the United States. During the compliance investigation AUTOBUSES RAYON could not produce qualification documentation for its drivers. Additionally, at least three of AUTOBUSES RAYON's drivers were found to not have valid commercial driver's licenses.

Additionally, AUTOBUSES RAYON fails to control its drivers' compliance with hours of service requirements, and fails to require its drivers to complete and submit records of duty status.

The investigations of AUTOBUSES RAYON's commercial motor vehicles and operation disclose ongoing widespread violations of the FMCSRs demonstrating a continuing general disregard for safety. The unsafe and dangerous condition of AUTOBUSES RAYON's commercial motor vehicles along with its failure to adequately inspect, maintain and repair its commercial motor vehicles, use of drivers known to have tested positive for a controlled substance, failure to ensure drivers are qualified to operate commercial motor vehicles in the United States and have valid commercial driver's licenses, and failure to ensure its drivers comply with hours of service requirements substantially increases the likelihood of serious injury or death. This condition of operations is an imminently hazardous and potentially deadly risk for AUTOBUSES RAYON's drivers and passengers, and for the motoring public.

#### **IV. REMEDIAL ACTION**

To eliminate this imminent hazard, and before AUTOBUSES RAYON will be permitted to resume operation of commercial motor vehicles, AUTOBUSES RAYON must take specific steps to ensure and demonstrate compliance with the FMCSRs.

A. AUTOBUSES RAYON must ensure and demonstrate that each and every commercial motor vehicle it operates and/or intends to operate in the United States, whether owned or leased, is in a safe operating condition and in full compliance with 49 C.F.R. Part 393 (Parts and Accessories Necessary for Safe Operation) and Part 396 (Inspection, Repair, and Maintenance), and that all defects and deficiencies have been corrected and repaired.



AUTOBUSES RAYON must also specifically ensure and demonstrate that emergency egress equipment and mechanisms are in operating condition and full compliance.

B. AUTOBUSES RAYON must ensure and demonstrate that all parts and accessories of each and every commercial motor vehicle it operates and/or intends to operate in the United States, whether owned or leased, meet and are maintained at the minimum standards set forth in Appendix G of the FMCSRs.

C. AUTOBUSES RAYON must establish safety management controls and procedures that ensure that each and every commercial motor vehicle it operates and/or intends to operate, whether owned or leased, is systematically and properly inspected, maintained and repaired as required by 49 C.F.R. Part 396, and that documentation of inspections, maintenance and repair is obtained and maintained as required.

D. AUTOBUSES RAYON must ensure that its employees, contractors and/or agents used to inspect and maintain each and every commercial motor vehicle it operates and/or intends to operate in the United States are trained and qualified to conduct such inspections, maintenance and repairs, and documentation of training and qualifications is maintained in accordance with 49 C.F.R. Part 396.

E. AUTOBUSES RAYON must require its drivers to conduct pre- and post-trip commercial motor vehicle inspections, and must require its drivers to prepare Driver Vehicle Inspection Reports at the end of each day and establish procedures to ensure that reported safety defects and/or deficiencies are before the vehicle is again operated as required by 49 C.F.R. Part 396. AUTOBUSES RAYON must establish safety management controls and procedures to ensure that it does not operate any commercial motor vehicle in the United States before any defects and/or deficiencies discovered during any inspection have been repaired and corrected.

F. AUTOBUSES RAYON must ensure that each and every commercial motor vehicle it operates in the United States is periodically inspected as required and in accordance with 49 C.F.R. Part 396 and Appendix G to Subchapter B of Chapter III, and that such periodic inspections are conducted by qualified inspectors.

G. AUTOBUSES RAYON must establish safety management controls and procedures to ensure that defects and deficiencies discovered during inspections of its commercial motor vehicles are repaired prior to the vehicle being re-dispatched. AUTOBUSES RAYON must ensure that no commercial motor vehicle that fails, or has failed, a safety inspection is used for the transportation of passengers prior to necessary repairs being made.

H. AUTOBUSES RAYON must contact FMCSA's Arizona Division Administrator and arrange for inspection of each of its commercial motor vehicles by an FMCSA inspector or an inspector designated by FMCSA.

I. AUTOBUSES RAYON must establish safety management controls and procedures to ensure that its drivers comply with the prohibitions and limitations on the use of alcohol and controlled substances as set forth in 49 C.F.R. Part 382, and are tested for alcohol and controlled substances use as required by 49 C.F.R. Parts 40 and 382.

J. AUTOBUSES RAYON must ensure that no driver that has violated alcohol and/or controlled substances use limitations and prohibitions performs any safety-sensitive function, including driving a commercial motor vehicle unless and until such driver successfully complies with the return to duty requirements in Subpart O of 49 C.F.R. Part 40, and AUTOBUSES RAYON has obtained written documentation of such compliance. AUTOBUSES RAYON must ensure that no driver that has tested positive for alcohol and/or controlled substances performs any safety-sensitive function, including driving a commercial motor vehicle

unless and until such driver successfully complies with the return to duty requirements in Subpart O of 49 C.F.R. Part 40, and AUTOBUSES RAYON has obtained written documentation of such compliance.

K. AUTOBUSES RAYON must establish safety management controls and procedures to ensure that its drivers comply with hours of service requirements as set forth in 49 C.F.R. Part 395.

L. AUTOBUSES RAYON must establish safety management controls and procedures to ensure that each and every driver it uses is qualified to operate a commercial motor vehicle and that it has obtained and maintains all required documentation showing the qualification of each driver as required by 49 C.F.R. Part 391. AUTOBUSES RAYON must check the driving record of each and every driver it uses to operate a commercial motor vehicle in the United States, and obtain copies of the driving records for each driver. AUTOBUSES RAYON must provide copies of driver records for each and every driver to the Field Administrator for FMCSA's Western Service Center.

M. AUTOBUSES RAYON must ensure that each and every driver it uses to operate a commercial motor vehicle in the United States has been medically certified as required by 49 C.F.R. Part 391. AUTOBUSES RAYON must obtain documentation of each driver's medical certification, and submit copies of such documentation to the Field Administrator for FMCSA's Western Service Center.

N. AUTOBUSES RAYON must establish safety management controls and procedures to ensure that each and every driver that operates a commercial motor vehicle in the United States has the necessary drivers' license, including any required endorsements, for the motor vehicle(s) the driver operates, and that the driver's license is current and valid.

O. AUTOBUSES RAYON must ensure that all of its employees, including all drivers, are adequately trained in the requirements of the FMCSRs and that they are able to conduct motor carrier operations in the United States consistent with those regulations.

## **V. RESCISSION OF ORDER**

You are subject to this ORDER unless and until the ORDER is rescinded in writing by FMCSA. Unless and until this ORDER is rescinded, AUTOBUSES RAYON is prohibited from operating any commercial motor vehicle in the United States, specifically including the vehicles listed in Appendix A of this ORDER, in foreign, interstate and/or intrastate commerce. This ORDER will not be rescinded until the Field Administrator for FMCSA's Western Service Center has determined that the Remedial Action requirements specified in Paragraph IV of this ORDER have been fully satisfied and acceptable documentation submitted.

Before this ORDER may be rescinded AUTOBUSES RAYON must comply with the provisions of this ORDER, eliminate the deficiencies constituting the imminent hazard that its operations and vehicles pose, and adequately demonstrate to the Field Administrator for FMCSA's Western Service Center the actions taken to eliminate the safety deficiencies. AUTOBUSES RAYON cannot avoid this ORDER by continuing operations under the name of another person or company. Any sale, lease, return of leased/contracted vehicle(s), and/or other transfer of any commercial motor vehicle by AUTOBUSES RAYON requires the written approval of the Western Service Center Field Administrator. Any such action taken in anticipation of this ORDER must cease immediately.

Prior to rescission of this ORDER, AUTOBUSES RAYON will be required to:

1. Identify the breakdowns in its safety management controls that resulted in the non-compliance.
2. Develop a detailed Safety Management Plan of action that addresses each area of non-compliance, the steps it intends to take to overcome its non-compliance and a time table for these steps.
- 3.. Execute the Safety Management Plan and provide certification by all owners, and officers.

Any request to rescind this ORDER, and documentation demonstrating satisfaction of the Remedial Action requirements must be directed to the Field Administrator, Western Service Center with a copy of the request and documentation to the Division Administrator, Arizona Division, at the following addresses:

Terry D. Wolf, Field Administrator  
Western Service Center  
Federal Motor Carrier Safety Administration  
12600 West Colfax Avenue, Suite B-300  
Lakewood, Colorado 80215

Matthew Fix, Division Administrator  
Arizona Division  
Federal Motor Carrier Safety Administration  
One Arizona Center  
400 East Van Buren Street  
Suite 401  
Phoenix, AZ 85004

Rescission of this ORDER does not constitute a reinstatement of AUTOBUSES RAYON's USDOT Number or its United States Federal operating authority registration. In order for AUTOBUSES RAYON to resume motor carrier operations transporting passengers in the United States, AUTOBUSES RAYON will be required to apply to reactivate its USDOT number registration, reapply for operating authority registration, and demonstrate that it is fit and willing



and able to comply with: 1) the statutory and regulatory registration requirements; 2) applicable safety regulations including the FMCSRs; 3) the commercial motor vehicle safety requirements of employers and employees set forth in 49 U.S.C. § 31135; 4) the safety fitness requirements set forth in 49 U.S.C. § 31144; and 5) minimum financial responsibility requirements established under 49 U.S.C. §§ 13906 and 31138.

## **VI. FAILURE TO COMPLY**

Failure to comply with the provisions of this ORDER may subject AUTOBUSES RAYON to an action in the United States District Court for equitable relief and punitive damages. AUTOBUSES RAYON may be assessed civil penalties of up to \$25,000 for a violation of this ORDER. (49 U.S.C. § 521(b)(2)(F) and 49 C.F.R. Part 386 App. A. § IV(g)). If violations are determined to be willful, criminal penalties may be imposed, including a fine of up to \$25,000 and imprisonment for a term not to exceed one year. (49 U.S.C. § 521 (b)(6)(A)).

## **VII. PENALTIES FOR VIOLATIONS**

Any motor carrier that violates Federal requirements, including the FMCSRs, and/or permits its employee(s) to violate Federal requirements is subject to civil and/or criminal penalty provisions. Penalty provisions for violations of Federal statutes and regulations are separate and distinct from this ORDER. Penalties may be assessed for the violations of Federal requirements, including the FMCSRs and Orders of the FMCSA, previously discovered, discovered after the service of this ORDER, and/or discovered during subsequent investigations.

## **VIII. RIGHT TO REVIEW**

You have the right to administrative review in accordance with 5 U.S.C. § 554 pursuant to 49 C.F.R. § 386.72(b)(4). If requested, administrative review shall occur within 10 days. (49

U.S.C. § 521(b)(5) and 49 C.F.R. § 386.72(b)(4)). A request for review must be addressed to the Assistant Administrator, United States Department of Transportation, Federal Motor Carrier Safety Administration, with copies sent to both Adjudications Counsel and the Field Administrator, Western Service Center at the following addresses:

Assistant Administrator  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

Adjudications Counsel (MC-CCA)  
Federal Motor Carrier Safety Administration  
Office of Chief Counsel  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

Field Administrator, Western Service Center  
Federal Motor Carrier Safety Administration  
12600 West Colfax Avenue, Suite B-300  
Lakewood, Colorado 80215

The request must state the material facts at issue which you believe dispute or contradict the finding that AUTOBUSES RAYON's operation of commercial motor vehicles in the United States in foreign, interstate or intrastate commerce constitutes an imminent hazard to the public.

**A REQUEST FOR ADMINISTRATIVE REVIEW DOES NOT IN ANY WAY  
SUSPEND OR DELAY YOUR DUTY TO COMPLY WITH THIS ORDER**

**IMMEDIATELY.** This ORDER is separate and independent from all other orders or actions that may be issued by FMCSA, and does not amend or modify any other such orders or actions, and any request for administrative review of this ORDER does not attach to or apply to any other order or action.

Date: \_\_\_\_[11/15/2013]\_\_

\_[William R. Paden, for]\_\_\_\_\_  
Terry D. Wolf, Field Administrator  
United States Department of Transportation  
Federal Motor Carrier Safety Administration

## APPENDIX A

Bus #	Year	Make	VIN#	License Plate
952	2005	SCANIA	3BEK6X2B953556812	MX – 832RK4
35	2009	IRIZ	3MBAA4CS29M032296	MX – 395RP3
102	2001	IRIZ	3ABLJFHA81S030001	MX – 975RK6
209	1992	SCANIA	9BSKT6X2BN3461695	MX – 412RM2
536	2006	SCANIA	3BEK6X2B563582003	MX – 753RN1
201	1993	DINA	3653T8930760	MX – 251RL6
83	1999	MASA	3CETTD5Y7X1019630	MX – 979RK6
62	1999	DINA	3ABBBFHA4X8002178	MX – 613RM5
613	2001	VOLVO	3CER2E81815009707	MX – 358RM9